THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7956 of 1999

Dated: 21.11.2007

Between:

The Sarpanch of Nandimandalam Grama Panchayat,
Pendlimarri Mandal, Kadapa.

..... PETITIONER

AND

The District Collector, Kadapa, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7956 of 1999

ORDER:

The Sarpanch, Nandimandalam Gram Panchayat, Pendlimarri Mandal, Kadapa District, filed this writ petition assailing the declaration issued by first respondent under Section 6(1) of the Land Acquisition Act, 1894 (the Act, for brevity) proposing acquisition of land admeasuring Acs.2.65 in survey Nos.550/3 and 550/5 belonging to Sri Chennakesava Swamy vari temple (the temple, for brevity). *Inter alia*, one of the grounds urged is that though the impugned declaration was issued in Kadapa District Gazette No.12 dated 14.03.1996, an award was not passed within two years as required under Section 11-A of the Act.

A counter-affidavit is filed denying the various contentions made in the affidavit accompanying the writ petition. However, the allegation that award was not passed within two years as required under Section 11-A of the Act has not been denied. Be that as it is, this Court has its own doubt as to whether a Sarpanch can maintain a writ petition to assail the land acquisition proceedings initiated by first respondent to acquire land belonging to a temple. This question, however, is kept open and having regard to the fact that the notification has lapsed as admitted in the counter-affidavit, an observation that it shall be open to first respondent to initiate fresh acquisition proceedings, if so advised, can be made.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

21st November, 2007
ghn